

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CROMAN CORPORATION, an Oregon)	CIV-S-05-0575 GEB JFM
corporation,)	
)	
Plaintiff,)	<u>ORDER</u> *
)	
v.)	
)	
GENERAL ELECTRIC COMPANY; SIKORSKY)	
AIRCRAFT CORPORATION; HELICOPTER)	
SUPPORT, INC., a Connecticut)	
corporation; UNITED TECHNOLOGIES)	
CORPORATION, a Delaware)	
corporation; and ROTAIR)	
INDUSTRIES, INC.,)	
)	
Defendants.)	
_____)	

Defendant Rotair Industries, Inc. filed a motion for a more definite statement under Federal Rule of Civil Procedure 12(e). In response to Defendant's motion, Plaintiff requested leave "to file a Second Amended Complaint that amends paragraph 10 of its First Amended Complaint." (Pl.'s Resp. to Mot. for More Definite Statement at 2.) Defendant did not oppose Plaintiff's request. Therefore, Plaintiff's request is granted. Plaintiff has fourteen (14) days from the date on

* This matter was determined to be suitable for decision without oral argument. L.R. 78-230(h).

1 which this Order is signed to file a Second Amended Complaint that
2 amends paragraph 10 of Plaintiff's First Amended Complaint as proposed
3 in Plaintiff's response to Defendant's motion for a more definite
4 statement.

5 Defendant's motion is therefore deemed withdrawn since the
6 Second Amended Complaint, when filed, will supersede the First Amended
7 Complaint. See Hal Roach Studios, Inc. v. Richard Feiner & Co., 896
8 F.2d 1542, 1546 (9th Cir. 1989) (stating an amended complaint
9 supersedes the prior complaint).

10 IT IS SO ORDERED.

11 Dated: June 22, 2005

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13 /s/ Garland E. Burrell, Jr.
14 GARLAND E. BURRELL, JR.
United States District Judge
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